

PRISONER'S CIVIL RIGHTS COMPLAINT (Rev. 05/2015)

IN THE UNITED STATES DISTRICT COURT  
FOR THE Eastern DISTRICT OF TEXAS  
Beaumont DIVISION

**FILED**  
U. S. DISTRICT COURT  
EASTERN DISTRICT OF TEXAS

MAR - 8 2019

DAVID "DAVID A. AL-HALIM" SMITH TDCJ #1927238  
Plaintiff's Name and ID Number

BY  
DEPUTY \_\_\_\_\_

MARK W. STILES  
Place of Confinement

CASE NO. 1:19cv110  
(Clerk will assign the number)

v.

DERRICK G. COLEMAN - CAPT.  
Defendant's Name and Address

**FILED**  
U. S. DISTRICT COURT  
EASTERN DISTRICT OF TEXAS

MAR - 1 2019

Malik Muldrew CO III  
Defendant's Name and Address

TDCJ - Executive Director  
Defendant's Name and Address  
(DO NOT USE "ET AL.")

BY  
DEPUTY \_\_\_\_\_

**INSTRUCTIONS - READ CAREFULLY**

**NOTICE:**

**Your complaint is subject to dismissal unless it conforms to these instructions and this form.**

1. To start an action you must file an original and one copy of your complaint with the court. You should keep a copy of the complaint for your own records.
2. Your complaint must be legibly handwritten, in ink, or typewritten. You, the plaintiff, must sign and declare under penalty of perjury that the facts are correct. If you need additional space, **DO NOT USE THE REVERSE SIDE OR BACK SIDE OF ANY PAGE.** ATTACH AN ADDITIONAL BLANK PAGE AND WRITE ON IT.
3. You must file a separate complaint for each claim you have unless the various claims are all related to the same incident or issue or are all against the same defendant, Rule 18, Federal Rules of Civil Procedure. Make a short and plain statement of your claim, Rule 8, Federal Rules of Civil Procedure.
4. When these forms are completed, mail the original and one copy to the clerk of the United States district court for the appropriate district of Texas in the division where one or more named defendants are located, or where the incident giving rise to your claim for relief occurred. If you are confined in the Texas Department of Criminal Justice, Correctional Institutions Division (TDCJ-CID), the list labeled as "VENUE LIST" is posted in your unit law library. It is a list of the Texas prison units indicating the appropriate district court, the division and an address list of the divisional clerks.

**FILING FEE AND *IN FORMA PAUPERIS* (IFP)**

1. In order for your complaint to be filed, it must be accompanied by the statutory filing fee of \$350.00 plus an administrative fee of \$50.00 for a total fee of **\$400.00**.
2. If you do not have the necessary funds to pay the fee in full at this time, you may request permission to proceed *in forma pauperis*. In this event you must complete the application to proceed *in forma pauperis*, setting forth information to establish your inability to prepay the fees and costs or give security therefor. You must also include a current six-month history of your inmate trust account. If you are an inmate in TDCJ-CID, you can acquire the application to proceed *in forma pauperis* and the certificate of inmate trust account, also known as *in forma pauperis* data sheet, from the law library at your prison unit.
3. The Prison Litigation Reform Act of 1995 (PLRA) provides "... if a prisoner brings a civil action or files an appeal *in forma pauperis*, the prisoner shall be required to pay the full amount of a filing fee." See 28 U.S.C. § 1915. Thus, the court is required to assess and, when funds exist, collect, the entire filing fee or an initial partial filing fee and monthly installments until the entire amount of the filing fee has been paid by the prisoner. If you submit the application to proceed *in forma pauperis*, the court will apply 28 U.S.C. § 1915 and, if appropriate, assess and collect the entire filing fee or an initial partial filing fee, then monthly installments from your inmate trust account, until the entire \$350.00 statutory filing fee has been paid. (The \$50.00 administrative fee does not apply to cases proceeding *in forma pauperis*.)
4. If you intend to seek *in forma pauperis* status, do not send your complaint without an application to proceed *in forma pauperis* and the certificate of inmate trust account. Complete all essential paperwork before submitting it to the court.

**CHANGE OF ADDRESS**

It is your responsibility to inform the court of any change of address and its effective date. Such notice should be marked "**NOTICE TO THE COURT OF CHANGE OF ADDRESS**" and shall not include any motion for any other relief. Failure to file a NOTICE TO THE COURT OF CHANGE OF ADDRESS may result in the dismissal of your complaint pursuant to Rule 41(b), Federal Rules of Civil Procedure.

**I. PREVIOUS LAWSUITS:**

- A. Have you filed *any* other lawsuit in state or federal court relating to your imprisonment? ☒ YES ☐ NO
- B. If your answer to "A" is "yes," describe each lawsuit in the space below. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, giving the same information.)
  1. Approximate date of filing lawsuit: June 28 1995
  2. Parties to previous lawsuit:
 

Plaintiff(s) DAVID SMITH

Defendant(s) JAMES HARRIS, HEINZ WILLIAMS, DAVID BARREN, ASA O'JEFFERAT
  3. Court: (If federal, name the district; if state, name the county.) U.S. District Court, Eastern Dist. (Tyler)
  4. Cause number: 6:95-CV-00453-JKG
  5. Name of judge to whom case was assigned: Judith K. Guthrie
  6. Disposition: (Was the case dismissed, appealed, still pending?) Dismissed
  7. Approximate date of disposition: 11-28-1995

II. PLACE OF PRESENT CONFINEMENT: MARK W. STILES

III. EXHAUSTION OF GRIEVANCE PROCEDURES:

Have you exhausted all steps of the institutional grievance procedure? ☒ YES ☐ NO

Attach a copy of your final step of the grievance procedure with the response supplied by the institution.

IV. PARTIES TO THIS SUIT:

A. Name and address of plaintiff: Mr. DAVID SMITH # 01927238  
Stiles unit- 8529B, 306D FM 3514  
BEAUMONT TEX 77705

B. Full name of each defendant, his official position, his place of employment, and his full mailing address.

Defendant #1: DERRICK G. Coleman, CAPT., Stiles unit, 306D FM 3514 Beaumont  
Texas 77705

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

He Assaulted me (3) times out of Retaliation for (2) recent grievances filed with his name.

Defendant #2: Malik A. Muldrew CO III

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

He assisted in a Major use of force furthering the assault on me which he witnessed.

Defendant #3: Antionette E. Manuel - Counsel substitute

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

As The Appointed Advocate/counsel she was to obtain and include All evidence.

Defendant #4: Lance C. Knod - Disciplinary Hearing officer, CAPT.

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

He was biased and ran the Hearing impartiality or with favoritism for his co worker CAPT. Coleman.

Defendant #5: TDCJ-CID Executive Director

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

inforced/Permitted the Tampering with/Destroying of evidence i.e. 12Bldg. C & D Hallway video.

## V. STATEMENT OF CLAIM:

State here in a short and plain statement the facts of your case, that is, what happened, where did it happen, when did it happen, and who was involved. Describe how each defendant is involved. You need not give any legal arguments or cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Attach extra pages if necessary, but remember the complaint must be stated briefly and concisely. IF YOU VIOLATE THIS RULE, THE COURT MAY STRIKE YOUR COMPLAINT.

I was Physically Jerked out of the lunch room by Coleman, He then started Poking me in my chest. I then asked 'How many time are you going to Dry Assault me for no reason before I take you to court?' He then grabbed my left arm Proceeding to slam me to the floor irregardless of my Front cuff Pass, having a cane (-Mobility Device Due to Disability.) and with the Assistance of Malik Muldrew COIT I was cuffed behind my back, taken to PHD lacking Access to my witnesses Muchless fitting either of the list of (3) three reasons for PHD or Major use of Force I was Punished Due to false Allegations by the capt, Denied rights and Priveledges and forced to Depression and Emotional Anguish, Mental & Physical Abuse.

## VI. RELIEF:

State briefly exactly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes.

Review of video footage, Reverse and Expunge disciplinary case in question; Order Damages in total amount of \$40,000 from each Defendant, permission to sue in both official & individual capacity..

## VII. GENERAL BACKGROUND INFORMATION:

A. State, in complete form, all names you have ever used or been known by including any and all aliases.

DAVID, DAVE, DES, DAWUD AL-AZZAM Abdul Al-Halim

B. List all TDCJ-CID identification numbers you have ever been assigned and all other state or federal prison or FBI numbers ever assigned to you.

#608060, 1121880, 1365947, 1927238

## VIII. SANCTIONS:

A. Have you been sanctioned by any court as a result of any lawsuit you have filed? \_\_\_\_ YES ☒ NO

B. If your answer is "yes," give the following information for every lawsuit in which sanctions were imposed. (If more than one, use another piece of paper and answer the same questions.)

1. Court that imposed sanctions (if federal, give the district and division): \_\_\_\_\_

2. Case number: \_\_\_\_\_

3. Approximate date sanctions were imposed: \_\_\_\_\_

4. Have the sanctions been lifted or otherwise satisfied? \_\_\_\_ YES \_\_\_\_ NO

- C. Has any court ever warned or notified you that sanctions could be imposed? \_\_\_\_\_ YES X NO
- D. If your answer is "yes," give the following information for every lawsuit in which a warning was issued. (If more than one, use another piece of paper and answer the same questions.)
1. Court that issued warning (if federal, give the district and division): \_\_\_\_\_
  2. Case number: \_\_\_\_\_
  3. Approximate date warning was issued: \_\_\_\_\_

Executed on: 02/25/2019  
DATE

Mr. David Smith #1927238  
Mr. David Smith Pro se  
(Signature of Plaintiff)

### PLAINTIFF'S DECLARATIONS

1. I declare under penalty of perjury all facts presented in this complaint and attachments thereto are true and correct.
2. I understand, if I am released or transferred, it is my responsibility to keep the court informed of my current mailing address and failure to do so may result in the dismissal of this lawsuit.
3. I understand I must exhaust all available administrative remedies prior to filing this lawsuit.
4. I understand I am prohibited from bringing an *in forma pauperis* lawsuit if I have brought three or more civil actions or appeals (from a judgment in a civil action) in a court of the United States while incarcerated or detained in any facility, which lawsuits were dismissed on the ground they were frivolous, malicious, or failed to state a claim upon which relief may be granted, unless I am under imminent danger of serious physical injury.
5. I understand even if I am allowed to proceed without prepayment of costs, I am responsible for the entire filing fee and costs assessed by the court, which shall be deducted in accordance with the law from my inmate trust account by my custodian until the filing fee is paid.

Signed this 25<sup>th</sup> day of February, 20 19.  
(Day) (month) (year)

David Smith  
Mr. David "Dawud" Al-Halim "Smith"  
(Signature of Plaintiff)

**WARNING: Plaintiff is advised any false or deliberately misleading information provided in response to the above questions may result in the imposition of sanctions. The sanctions the court may impose include, but are not limited to, monetary sanctions and the dismissal of this action with prejudice.**

Feb 28, 2019

United States District Court

CLERKS Office

300 Willow Street, Ste 104

Beaumont Tx. 77701-2217

In re: Civil Action by Prisoner

Dear clerk,

Please find here with my complaint which I ask  
that you file and stamp date a copy thereof and return  
with case number, court rules and any other papers which I may  
need to fill out and sign to pursue civil action against the  
defendants listed here in.

Thank you

Sincerely,

David "Dawud" A. Al-Halim Smith

David Smith 1927238

Stiles unit 8J29B

260 FM3514

Beaumont Tx. 77701

P.S.

Please be informed that

#1.) I've completed grievances 1 and 2  
Twice but was denied all 4.

#2.) The officials were fired or quite due  
to obvious official misconduct and,

#3. I ask for review of my evidence and  
the written Procedures I mentioned in the  
TDCS Rules and procedures for offenders.

